THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.6050 of 2005

Dated:11.07.2006

Between:

Bachannagari Yadaiah and others.

…Petitioners

and

Joint Collector, Ranga Reddy District, at Hyderabad, and others.

…Respondents

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WRIT PETITION No.6050 of 2005

ORDER:

The petitioners, who are fourteen in number, filed the instant writ petition challenging the notice dated 07.10.2003 issued by the Joint Collector informing them that the revision petition filed by them against the orders of the Revenue Divisional Officer, Chevella, dated 15.03.2003, has been taken on file and that the same is posted for hearing on 28.10.2003 at 11:00 AM. It is the case of the petitioners that they filed the suits, being O.S.Nos.708 and 850 to 861 of 2000 on the file of the Court of the II Senior Civil Judge, Ranga Reddy District, for declaration of title, permanent injunction and direction to mutate their names as pattadars and possessors, and that aggrieved by the same, the Government, which was defendant in the suits, filed A.S.Nos.1893 to 1898 of 2002, 144, 178, 179, 597, 598, 1038 and 2651 of 2003 before this Court, which are pending. The petitioners, therefore, contend that when the civil matters are pending, the enquiry in an application under Section 9 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971, cannot be proceeded with. The same submission is reiterated across the bar.

Viewed from any angle, the writ petition against the notice of enquiry issued by the first respondent in the revision petition filed by the petitioners is not maintainable. Nothing prevents the petitioners to file a declaration as contemplated under Rule 9(1)(c)(i) of the Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989, bringing to the notice of the first respondent about the decrees passed by the Court of the II Senior Civil Judge, Ranga Reddy District, and pendency of the appeals before this Court. Giving liberty to do so, the Writ Petition is dismissed. No costs.

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(V.V.S.RAO, J)

11.07.2006
vs